

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**BESSEMER SYSTEM FEDERAL CREDIT)
UNION,)**

Plaintiff,)

vs.)

**FISERV SOLUTIONS, LLC, f/k/a FISERV)
SOLUTIONS, INC., and FISERV, INC.,)**

Defendants.)

Case No. 2:19-cv-00624-RJC

**JOINT MOTION FOR EXTENSION OF TEMPORARY STAY OF LITIGATION
AND EXTENSION OF DEADLINES**

Plaintiff Bessemer System Federal Credit Union (“Plaintiff”) and Defendants Fiserv Solutions, LLC, f/k/a Fiserv Solutions, Inc., and Fiserv, Inc. (together, “Defendants”) hereby jointly move for an Order extending the stay of this litigation and certain deadlines by fourteen days, while the parties continue mediation and settlement negotiations. In support of this Motion, the parties state as follows:

1. On October 27, 2020, the parties participated in mediation conducted by neutral Mark D. Shepard. The case was not resolved. (ECF No. 91.)
2. On November 9, 2020, Defendants served their First Set of Discovery Requests upon Plaintiff. By agreement of the parties, Plaintiff’s deadline to respond to those requests was December 23, 2020.
3. On November 10, 2020, Defendants served upon Plaintiff the notice of subpoena to non-party CompuSource Systems, Inc. for production of documents (the “CompuSource Subpoena”). Defendants served CompuSource with the CompuSource Subpoena on November 12, 2020.

4. On November 10, 2020, Bessemer filed its Motion to Dismiss Counterclaims. (ECF No. 92.)

5. On December 8, 2020, Defendants filed their response to Bessemer's Motion to Dismiss Counterclaims. (ECF No. 99.)

6. On December 23, 2020, the Court entered the Order Granting Joint Motion to Stay Litigation and Extend Deadlines, (ECF No. 101).

7. On January 27, 2021, the Court entered the Order Granting Joint Motion for Extension of Temporary Stay of Litigation and Extension of Deadlines (ECF No. 103), pursuant to which:

a. All proceedings in this case are stayed until March 1, 2021.

Notwithstanding the foregoing, the stay does not apply to proceedings related to the CompuSource Subpoena (as defined in the Motion (ECF No. 100));

b. On or before March 11, 2021, the parties shall file a Joint Status Report advising the Court if the case has been resolved, if the parties request that the stay be further extended to accommodate continued negotiations, or if the parties' efforts have been unsuccessful and the case should resume. If the parties report that the case should resume, they will meet and confer in good faith and submit a proposed Amended Case Management Order with the Joint Status Report;

c. Plaintiff shall serve its responses and objections to Defendants' First Set of Discovery Requests on or before March 15, 2021;

d. Plaintiff shall file its reply in support of the Motion to Dismiss Counterclaims on or before March 15, 2021.

8. Following the Court's December 23, 2020 Order, the parties have engaged in mediation and settlement negotiations through neutral Mark D. Shepard.

9. Notwithstanding mutual efforts, the parties believe that they require additional time to complete mediation and settlement negotiations. The parties are authorized to represent that Mr. Shepard believes the parties require additional time to complete mediation and settlement negotiations.

10. Accordingly, after conferring in good faith regarding the efficient management of this dispute, and for reasons of judicial efficiency and other good cause, the parties hereby respectfully request that the Court enter an Order extending the temporary stay of litigation until March 15, 2021, and extending the case deadlines as follows:

a. Plaintiff shall serve its responses and objections to Defendants' First Set of Discovery Requests on or before March 29, 2021;

b. Plaintiff shall file its reply in support of the Motion to Dismiss Counterclaims on or before March 29, 2021.

11. The temporary stay of litigation shall not apply to the CompuSource Subpoena.

12. The parties propose to file, on or before March 25, 2021, a Joint Status Report advising the Court if the case has been resolved, if the parties request that the stay be further extended to accommodate continued negotiations, or if the parties' efforts have been unsuccessful and the case should resume. If the parties report that the case should resume, they will meet and confer in good faith and submit a proposed Amended Case Management Order with the Joint Status Report.

WHEREFORE, the Parties respectfully request that the Court enter the proposed Order submitted with this Motion.

Dated: March 1, 2021

Respectfully submitted,

/s/ Charles J. Nerko

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